

Justice Would Outlaw Police, Private 'Bugs'

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Attorney General Nicholas deB. Katzenbach suggested yesterday that wiretapping by police as well as by private citizens be outlawed.

Unless Congress can agree on a bill giving police limited wiretapping authority, Katzenbach said, all wiretapping should be banned "except that authorized by the President for national security purposes."

"In terms of the protection of privacy, such legislation would be clearly preferable to the present situation," Katzenbach told the Special Senate Subcommittee on Criminal Law and Procedures.

Only under prodding by Subcommittee Chairman John McClellan (D-Ark.) did the Attorney General concede that wiretapping authority for police would be "helpful." Katzenbach voiced doubts that a bill permitting it, even with strict controls, could get through Congress.

In his testimony, the Attorney General also:

- Urged Congress to give the Government new weapons

to break organized crime's "conspiracy of silence."

- Said he doubted that a proposal to outlaw membership in the Cosa Nostra or similar organizations would pass constitutional tests in the courts.

- Endorsed legislative attempts to allow police questioning of suspects after arrest, now restricted in the wake of the Supreme Court's *Mallory* rule.

- Praised a proposal to permit civil commitment of narcotics addicts for hospital treatment, but called for re-

See CRIME, A8, Col. 4

strictions to prevent abuse of the procedure.

Katzenbach's statement on wiretapping all but abandoned the Justice Department's hopes of winning such authority for police under strict controls. The Department has sought limited congressional approval of police wiretapping for several years, but without success.

Katzenbach said the Federal wiretapping law now on the books still needs to be changed, though. He called it "intolerable."

Under the Federal Communications Act of 1934, he said, illicit wiretappers are in a position to intercept phone conversations without much fear of conviction while police are hamstrung, unable to use any information they might get from wiretaps in court.

In the field of organized

crime, the Attorney General wholeheartedly endorsed two bills introduced by McClellan to encourage witnesses to talk.

Silence Through Terror

Organized crime's secret of success, the Attorney General said, "is silence secured most dramatically through terror."

"When the tortured body of an underling is found hanging from a hook in a meat freezer," he said, "he almost cannot talk and his associates are not likely to."

One of McClellan's bills would make it a Federal crime to intimidate, harass or attack a witness who has talked to Government investigators before a case has reached the courts.

The other would enable Federal authorities to grant

immunity from prosecution under several statutes to get lower-ranking racketeers to open up.

Katzenbach said, however, that another McClellan proposal—to determine Mafia membership by standards such as previous conviction for racketeering offenses and then to make that membership a crime—might run afoul of the Fifth and First Amendments.

Mallory Discussed

Much of the hearing was spent on the *Mallory* rule, which makes confessions inadmissible in evidence if they are obtained during an unnecessary delay between arrest and arraignment.

Some supporters of the rule say that any police questioning after arrest for the purpose of obtaining a confession should be prohibited under

the Supreme Court's decision.

McClellan's bill would make confessions admissible in evidence if the suspect were informed of the nature of the offense he was believed to have committed, advised of his privilege against self-incrimination and "accorded reasonable opportunity to retain and consult with counsel."

The first day of the hearings found members aroused over a rising national crime rate, brought home by the robbery of Rep. James Cleveland (R-N.H.) on Capitol Hill the night before.

"The streets of Washington are less safe today than the streets of Kabul, Afghanistan," said Sen. Hugh Scott (R-Pa.). "The situation is the same in my city of Philadelphia."

"There can be no Great Society unless it is also a 'safe society,'" McClellan said.